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DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,832

Applicant(s)

WHITCOMB, CURTIS A.

Examiner

Dennis Ruhl

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20,22-39,45 and 49-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-20,22-39,45 and 49-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1,3-20,22-32,50-52 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

1. Whether the invention is within the technological arts; and
2. Whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere idea in the abstract (i.e. abstract ideas, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e. physical sciences as opposed to social sciences for example), and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, use or advance the technological arts.

Claims 1,3-7,9-12,14-20,22,24-32,50-52, do not recite or require the use of any technology to perform the recited steps. All of the recited steps could be performed by a person verbally receiving an order for a replica and manually executing the recited steps. The claims are directed to non-statutory subject matter because they are not considered to be within the technological arts. The fact that the specification may disclose the use of computers to perform some of the claimed steps is not material to

Art Unit: 3629

the determination of whether or not the claims are statutory under 35 USC 101 because the claims do not recite any use of technology.

For claims 8 and 13, the examiner notes that applicant has claimed a registrar computing device and a merchant device connected by a network where the registrar computing device receives information from the merchant device via the network. Although this is a recitation directed to some kind of technology, the recited step of just receiving information via a network by using computing devices is nothing more than a trivial use of technology and is not considered to be a limitation that would render the method claim statutory. Nothing is being manipulated in any manner or being changed from one state to another by the act of receiving the information. This is just reciting that technology is used to receive the information, with no further use of the information being claimed. This is not considered to be a meaningful use of technology that would render the claims statutory, so the claims are found to be non-statutory.

For claim 23, the language "the database containing the updated records" in combination with the recitation from claim 22 that recites the updating of the records includes a scope that allows for one to input the data (where the data is the updated records), so this claim is not considered statutory because the act of just entering data is considered trivial in a similar manner that was explained with respect to claims 8, 13. Simply entering data into a database of a computing device is not considered to be a meaningful use of technology that would render the claims statutory, so claim 23 is found to be non-statutory.

Art Unit: 3629

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 51 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed fails to provide support for the limitation in claim 51 that recites "offering the purchaser at the time of the sale of the product". The specification as originally filed did not state when the offer was being made and to specify this now is new matter. The language from the specification cited by applicant as support for this newly added limitation has a scope that can allow for the offer to be made at a later time (after the purchase has been made) and because of this the making of the offer "at the same time" as the sale of the product is new matter that is not inherent to the originally disclosed invention. For the limitation to be considered inherent applicant must show that having the offer made at the time of the sale is necessarily present in the disclosure. That is not the present case because as applicant has admitted, the language from the specification includes the situation where the offer is made at a later time, which means that having the offer made at the same time of sale of the product is *not necessarily present*. Applicant is taking a broad generic

Art Unit: 3629

statement and reciting one species that the generic statement can possibly include which is improper and is new matter.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,4-7,9,10,12,14,15, are rejected under 35 U.S.C. 102(a) as being anticipated by The Fernwood Company, "Sweating the details.." article, (6/11/2000).

For claims 1,4, Fernwood discloses the claimed method. The purchaser is the home buyer and the claimed product is the home they have purchased. The article discloses that Fernwood is a company that makes replicas of buildings/landmarks for interested customers. It is disclosed that the Bangor Bank (the claimed merchant) asked Sandy Manship (an owner of Fernwood) to make replicas of homes newly sold to bank customers. The replica was then given to the purchaser of the home. The claimed term "purchase" is defined in the instant specification as generally meaning "an exchange of value" and includes the act of bestowing a product. The home purchaser being given the replica of their home satisfies the claim language of "purchase". Inherently the bank and Fernwood must receive information relating to a visible feature of the home. This can be interpreted as an employee of the bank taking a picture of the

home so that Fernwood can be made aware of what the home looks like. Both the Bank and Fernwood receive product information. When the replica is given to the purchaser of the home it has been transferred as claimed.

For claim 5, the claimed registrar can be considered as an employee of the Bank or an employee (such as the sales representative) of the Fernwood Company. Both would receive the information about the replica being ordered.

For claim 6, the information of what the replica is to look like (style of home) is considered by the examiner to be information related to an owner of the product because the owner has purchased that style of house. Fernwood satisfies what is claimed.

For claim 7, the claimed registrar is an employee of Fernwood, such as the sales representative who is responsible for the sales of the replicas. The sales representative's job is to sell the replicas so this is the person who would be taking the order information from the merchant (the Bank). The replica and the owner are inherently associated with each other. This limitation is so broad that it includes a person making a mental association that a given replica is for the person who owns a home that looks like the replica; this is an association as claimed.

For claim 9, the purchaser of the home (the claimed product) is the owner as claimed.

For claim 10, the examiner considers the claimed type of information to be non-functional descriptive material that does not serve as a limitation. For the examiner to give patentable weight to the kind of information claimed the information must be used

Art Unit: 3629

in some manner or manipulated in some manner. The sole act of receiving information renders the information as non-functional descriptive material that does not serve as a limitation. Even though the specific type of information is non-functional descriptive material the examiner notes that it is inherent that homes have house numbers so reciting that owner information includes an address (which can be a number) is considered inherent.

For claims 12, the replica manufacturer is considered to be one of the employees (artists) of Fernwood that assists in the manufacturing of the replicas. When the sales representative makes a sale, one of the manufacturers must be given a replica order so they know what to make.

For claim 14, the examiner considers it inherent that the replica order will include the product information (what color the home is) and some type of owner information (the claimed information related to an owner is taken as the owner information) such as home style. Additionally because the product information and owner information are only being claimed as being transferred with no further use or manipulation occurring, the kind of information recited is taken as non-functional descriptive material that does not serve as a limitation.

For claim 15, the claimed identifier is considered to be text of the order. The word "blue" may be used to describe the color of the replica.

7. Claims 1,3,50, are rejected under 35 U.S.C. 102(b) as being anticipated by "Hot Wheels" by Mattel.

For claims 1,3,50, when introduced in 1968, Mattel inherently received product information (visible features relating to cars) about what kinds of cars they would like manufacture for their line of kid's cars. The information is considered to be received because somebody in the company originally came up with the idea of "Hot Wheels" and then others were made aware of the idea. They also had to receive vehicle information concerning the aesthetics of the vehicles. They then caused replicas to be made of real life cars already being sold. Over the years Hot Wheels has made replicas of cars/trucks sold to consumers in the United States. The claimed "merchant" is whoever is selling the cars, such as a toy store that sells Hot Wheels. The fact that the cars are being sold by the merchant is in and of itself an offer to customers to purchase the replica. When a replica is purchased, the replica has been transferred as claimed. The make of car that a particular person has purchased is a visible feature of the car they own. All 1965 Coupe Ford Mustangs have the same make (body style) and look the same regardless of who owns them.

8. Claims 33-39,45, are rejected under 35 U.S.C. 102(b) as being anticipated by the Internet and two computers.

For claims 33,34,35,36,39, applicant has claimed two computers (a merchant and a manufacturer) connected by a network. This reads on the Internet and 2 people connected to the Internet by their personal computers, which was known in the public

Art Unit: 3629

domain and on public use more than one year prior to the filing date of the instant application. The Internet has been known many years prior to the filing date of this application and is a network that many people have used to transfer information and data of all kinds. The language reciting that the merchant device is configured to receive product information is just a recitation directed to the ability to receive data. The kind of data that the system is receiving is non-functional descriptive material that is not functionally related to the system itself and is not given patentable weight. The data that the order consists of is non-functional descriptive material that does not serve as a limitation. Reciting that the information is transferred as an order over the network thereby enabling a replica to be made is a recitation directed to the intended use of the system (a method step) and defines nothing further structurally to the claimed system. The scope of this claim is two computers connected by a network where one is capable of receiving data, which was in public use more than one year prior to the invention by the instant applicant.

For claim 37, this is just reciting a 3rd computer connected to the Internet, which is anticipated by the Internet and 3 people connected to the Internet. The language "being transferred..." is another recitation to the intended use of the system and defines no further structure to the system.

For claim 38, computers inherent have a database as claimed. The kind of data stored is non-functional descriptive material that does not serve as a limitation. Reciting the kind of data that is stored on a computer is not a feature that will be considered as a patentably distinguishing feature.

For claim 45, applicant is reciting the intended use of the system and defines no further structure to the system. Any computer is capable of updating records stored in a database.

9. Claims 33-39,45, are rejected under 35 U.S.C. 102(b) as being anticipated by Hartman et al. (5960411).

For claims 33,34, Hartman discloses a method and system for placing an order for an item via the Internet. The claimed network is the Internet. The merchant computing device is considered to be the client system. The client system is fully capable of receiving information as claimed. The type of information is considered to be non-functional descriptive material that does not serve as a limitation. The server system that receives the customers order is the claimed manufacturing computing device. In this claim, applicant has claimed two computers (a merchant and a manufacturer) connected by a network, which is disclosed by Hartman.

For claim 35, the computers of Hartman satisfy what is claimed. Both are computers and calling them "personal computers" still is just reciting a computer.

For claims 36,39, the content of the order is considered as non-functional descriptive material that does not serve as a limitation. This is just reciting the kind of data that the computing devices are capable of transmitting. The computing devices of Hartman are fully capable of transferring replica data as claimed.

For claim 37, the examiner interprets this claim to be reciting another computer, such as a 2nd client system, which is inherent in Hartman. Because the Internet is the

network being used, many people are connected together. The recitation of the intended use of the registrar computer defines no further structure and is satisfied by Hartman.

For claim 38, the client system has a database as claimed. The kind of data stored is non-functional descriptive material that does not serve as a limitation. Reciting the kind of data that is stored on a computer is not a feature that will be considered as a patentably distinguishing feature.

For claim 45, applicant is reciting the intended use of the system and defines no further structure to the system. Any computer is capable of updating records stored in a database.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3,8,11,13,16-20,22-32,49-52, are rejected under 35 U.S.C. 103(a) as being unpatentable over The Fernwood Company, "Sweating the details.." article, (6/11/2000). The article discloses the invention substantially as claimed.

For claims 3,50 Fernwood does not disclose that the replica product is a vehicle. Fernwood discloses the making of replica buildings *and scenes* (as well as a ship) that are meaningful in people's lives. It would have been obvious to one of ordinary skill in

Art Unit: 3629

the art at the time the invention was made to have Fernwood manufacture replicas of vehicles for purchase by customers. Fernwood makes replicas of important landmarks and places of special importance to a purchaser where the purchaser dictates or specifies what the replica is. Many people treasure their vehicles and the minor difference of making a replica of a vehicle as opposed to a replica of a building is considered to be obvious to one of ordinary skill in the art. Modifying the business of Fernwood by making vehicles instead of buildings does not result in a patentable invention in the opinion of the examiner in view of the prior art.

For claims 8,23,52, the examiner notes that the article states that Fernwood is expected to have their own Web site. Not disclosed is that the merchant (the Bank) and the registrar (Fernwood employee) have computing devices (interpreted as computers) that communicate product information over a network (such as the Internet). In view of the fact that it is disclosed that the use of a Web page was considered and in the works at the time the article was in the public domain, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Bank submit an order for a replica home by using the Internet to access the Fernwood Web page or to use the Internet to send Fernwood an email. The examiner considers it obvious that if Fernwood was having a Web page created that they would use "computing devices" to conduct their business and it is considered obvious for them to use the computing devices to receive orders (and update company records with computers, cl. 23) over the Internet or through the use of email via the Internet.

Art Unit: 3629

For claim 13, not disclosed is the use of two computing devices in Fernwood that are connected by a network where the order is sent from one computer to another. It is old and well known in the art that many small businesses use computers in conducting their business and reciting that Fernwood has two computing devices (computers) is considered obvious to one of ordinary skill in the art. Also, since the article discloses that a Web page is being made for the company, this requires at least one computer for the company, with the second computer being considered as nothing more than duplication of parts, which is obvious. With respect to transferring the order from one computer to another, the examiner considers it obvious to one of ordinary skill in the art that the manufacturer must be told what to make in some manner. This can be verbal or written but the fact is that the manufacturer must somehow be told what the order is. Transfer of the order is necessarily taking place, so in view of the fact that the use of computers is well known in small business' and the fact Fernwood recognizes the use of modern computer technology via the Web page, it would have been obvious to one of ordinary skill in the art to transfer the order to the manufacturer (the artist) by use of a computer.

For claim 11, not disclosed is the use of identification numbers as claimed. It would have been obvious to one of ordinary skill in the art to use an invoice number or an order number (some number that represents the transaction) for purposes of accounting and record keeping. The claim reads on any number used to identify a particular product/transaction because both numbers can be the same.

For claim 16,29,49,52, not disclosed is the creation of a certificate of ownership associating the product and replica with the owner. The claimed certificate of ownership can be interpreted as a receipt (bill of sale) associated with the replica and its purchase/sale. It would have been obvious to one of ordinary skill in the art to create a receipt so that the owner can have proof of ownership and proof of the transaction occurring.

For claims 17,18, not disclosed is who creates the certificate of ownership (a receipt). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the manufacturer (the person that assisted in making the replica) or to have the registrar (sales representative) make the receipt. In small businesses, it is very common and well known for employees to do more than one job and having any employee of Fernwood create the receipt for the replica would have been obvious to one of ordinary skill in the art. Somebody has to make the receipt, who actually makes it is irrelevant and does not amount to anything patentable.

For claims 19,24,26, not disclosed is the giving of the replica and receipt to the registrar from the manufacturer. This reads on the act of the person who made the replica giving it along with the receipt to the sales representative (simply a hand off of the product to another employee of the same company). Again, in small companies such as Fernwood it is very common for employees to perform more than one duty and one employee giving another the replica and receipt is considered obvious. It would have been obvious to one of ordinary skill in the art to have the manufacturer give the

receipt and replica to the registrar so that it can be taken to the mail or to the post office for mailing.

For claim 20, what the receipt includes as far as information goes is considered to be printed matter that is not related in any way to the method and is non-functional descriptive material. Product information and owner information are very broad terms and are just interpreted as "information" or data on the receipt. A receipt will inherently contain some information that may be date, cost, item number, item description, etc. and this satisfies what is claimed.

For claim 22, not disclosed is the updating of registration records as claimed. The examiner interprets this to be an act of Fernwood keeping track of their business as far as what work is currently on order, outstanding orders as well as tracking finished replicas and their shipments. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update company records of Fernwood to track the fact that a given replica is done being made and has been shipped out. This claim reads on the act of a company just keeping track of current orders and information on the orders that is relevant to a manufacturing business that makes products and ships products.

For claim 25, the examiner considers this to be the taking of a finished replica from an area where finished replicas are kept (a table, a shelf, etc.).

For claim 27, the claimed identification number is considered to be a house number on the replica. Since the company makes customer replicas of houses, and each house has a unique address, it would have been obvious to one of ordinary skill in

Art Unit: 3629

the art at the time the invention was made to put the house number on the house. This way the customer can really feel like the replica is a replica because it even has their same house number. For example, "5567 Happiness Lane" on a replica, for the customer that just bought 5567 Happiness Lane.

For claim 28, the replica ID number (house number) has a characteristic in common with the product number. They are both numbers and this is the characteristic they have in common. Both are numbers.

For claim 30, the claimed "a merchant of the product" appears to be a new recitation of another merchant (in addition to the Bank) and is considered by the examiner to be the postal service that completed replicas are to be mailed by. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the registrar give the replica to a mailing company (a merchant such as USPS, UPS, FedEx, all believed to be trademarks) for mailing.

For claim 31,32, not disclosed is the direct transfer of the replica to the owner. Because the replica is disclosed as being given to the purchaser of a home (after they have purchased the home), it would have been obvious to one of ordinary skill in the art at the time the invention was made to mail the finished replica directly to the home owner from Fernwood because this is the easiest hassle free manner of delivery available. There is no reason for the Bank to set up a special meeting with the home owner just to give them the replica and mailing it directly from the manufacturer is probably the most obvious manner of delivery one would think of and is considered obvious.

For claim 51, not disclosed is that the offer for the replica is made at the same time as the sale of the product. In Fernwood this would be the situation of offering the replica to the home owner at the closing of the home, which is the point of time when legal documents are signed and the sale occurs. The examiner feels that it is common sense and would be obvious to one of ordinary skill in the art at the time the invention was made to ask the new home owner at closing if they would like to receive a free gift of a replica of their newly purchased home or to tell them that one should be expected in the mail. Also in addition to the above obviousness statement the examiner considers the timing of the offer for the replica to be one of sales style because the timing of the offer has no material affect on the end result of the invention. The offer could be made just before a person signs the bank loan documents for the sale of the home, or could be made just after the signing of the papers, it does not matter in the end. One of ordinary skill would understand and appreciate that the offer for the replica can be made at any time and may be something that one person may offer prior to the actual sale of the home and another person may make the offer after the sale has occurred. The timing of the offer does not materially affect the claimed invention and is considered to be obvious for this reason.

12. Applicant's arguments filed 1/24/05 have been fully considered but they are not persuasive.

With respect to the traversal of the 101 rejection that finds the claims to be non-statutory, the arguments are non-persuasive. The sole issue is not just whether or not

Art Unit: 3629

the claimed method is useful and produces a tangible concrete result as argued. The issue is whether or not the claims recite an invention that is considered to be within the technological arts (as well as being non-trivial use of technology), where the invention is useful and produces a tangible concrete result. Applicant has cited *Ex parte Bowman*, where it was concluded that the claimed idea was an abstract idea and not within the technological arts because applicant did not tie the disclosed and claimed invention to any technological art. What this means is that applicant must claim the technology in addition to having it disclosed in the specification. It is not enough to argue that the method could be performed by technology where the method does not recite any technology. Limitations will not be read into the claims for purposes of the statutory 101 analysis. Also, a look at the claims reveals that all of the recited steps are generic in nature and cover every possible way of performing the claimed steps. This is direct evidence that the claimed invention is directed to nothing more than an abstract idea, which is not considered statutory.

With respect to the rejection in view of the Fernwood article under 35 USC 102, based on the most recent amendment the interpretation of the claims has slightly changed in response to the amendment. The argument that the home seller must be considered as the merchant is non-persuasive. Many Banks own homes and sell them after foreclosing on the homes. The examiner sees no reason why the Bank cannot be considered as the merchant. Applicant has set forth their own interpretation of how the claim should be viewed so that it does not read on the prior art. There are many interpretations that one could take of the broad pending claims and the examiner is not

Art Unit: 3629

bound to the interpretation set forth by applicant. The examiner feels that the important fact to keep in mind is that the prior art teaches the making of a replica of a purchased product (a home) and this is the essence of the disclosed invention as far as the examiner can discern. Arguing that the merchant can only be this person and not another person while ignoring the fact that the article teaches the main aspect of the disclosed invention, is missing the point.

For claim 51 the examiner has addressed the new claim in the office action and respectfully disagrees with applicant. Firstly, the argued limitation is new matter and secondly it is obvious. The timing of the offer has no material affect on the invention and is obvious under 35 USC 103. The examiner has set forth his reasoning as to why the argued limitation is new matter and this sufficiently rebuts the presented arguments.

Applicant has based the allowability of many dependent claims on claim 1, so because the argument for claim 1 is deemed non-persuasive, the rejection on the dependent claims is also deemed proper. If applicant has specific reasons as to why various dependent claims are allowable, where the reasoning is not the same as for claim 1, those reasons should have been presented. See 36 CFR 1.111.

For claim 7, the examiner has addressed the registrar in the rejection and disagrees with the argument presented by applicant. A registrar is present in the article as has been set forth by the examiner. Again, this argument is based on how the applicant views the reference, not how the examiner has interpreted the reference.

The argument for claim 16 is found non-persuasive. The argument is based on who the merchant is and who the registrar is as well as who does what as far as the

steps go, which as stated previously is how the applicant views the reference, not how it has been interpreted by the examiner. The examiner has addressed the merchant and registrar in the rejection and finds the rejection to be proper.

For the argument concerning the How Wheels reference, applicant is again arguing their own interpretation in that the merchant must be a merchant of a full sized car. This is a narrow interpretation and not commensurate with what the examiner has set forth or the scope of the claims. The claim does not require that the merchant also sell the purchased product to the purchaser which is what has been argued. The rejection is deemed to be proper.

For the 103 rejection and arguments presented, the arguments for many of the claims which is based on who must be called the "merchant" are found non-persuasive as previously address by the examiner. The examiner has set forth his interpretation of the claims which respectfully differs from that of applicant's interpretation and the examiner feels the rejections are proper. The examiner has stated his reasoning for the obviousness rejections and does not find any of the presented arguments to be persuasive. With respect to the argument that Fernwood did not disclose the use of computing devices that may receive product information, the examiner feels that the teaching of Fernwood starting their own web page would lead one to the obvious conclusion that computers would be used if the Internet is being used. Even the sole act of being able to have email that customers can reach you by would be present on an Internet web page. To argue that the use of computers to receive information would not be obvious would be arguing that the web page is for nothing, and is not to be used to

Art Unit: 3629

conduct business, which is a position that is not reasonable or logical in the opinion of the examiner. If you create a web page for your business, it follows from that fact and is obvious that one would utilize computers as claimed. For claims 36,39, the argument is moot based on a new grounds of rejection. Applicant has amended the claims to now be reciting computing devices alone and the scope has changed to a point where another reference is now more applicable than the Fernwood article.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER